

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6370 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?

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RANJEETBHAI LAXMANBHAI THAKOR

Versus

COMMISSIONER OF POLICE

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Appearance:

MR SATISH R PATEL for Petitioner

Shri Kamal Mehta for respondents

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CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 04/11/96

ORAL JUDGEMENT

By way of this Special Civil Application under Article 226 of the Constitution of India, the petitioner has challenged the order of detention dated 20th June 1996 passed by the respondent - Commissioner of Police, Ahmedabad City. It is alleged that the petitioner is a bootlegger and against him four cases under the provisions of Bombay Prohibition Act, 1949 have been registered.

2. This Court by order dated 26.8.1996 made rule

returnable on 23.9.1996. The respondents have not filed reply. However, the application is being opposed by Shri Kamal Mehta, learned AGP. Shri Satish R. Patel, learned counsel for the petitioner submits that simply because certain cases have been registered against the petitioner under the provisions of the Bombay Prohibition Act, it cannot be said that his activities as a bootlegger has adversely affected or likely affect the maintenance of public order. He relies on the decision of the Apex Court in the case of Piyush Kantilal Mehta v. Commissioner of Police, Ahmedabad City and anr., AIR 1989 SC 491. I have perused the material on record with the assistance of the learned counsel for the parties. There is nothing on record to show that the activities of the petitioner as a bootlegger has in any way adversely affected or is likely to affect the public order. Thus, in my view the impugned order of detention cannot be sustained.

3. In view of the aforesaid, the Special Civil Application is allowed and the order of detention dated 20th June 1996 is quashed and set aside. The petitioner is directed to be released forthwith, if he is not required in any other case. Rule is made absolute.

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